

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re Application of	)	
	)	
Levine-Schwab Partnership	)	
	)	File No. BNP-20140715ABO
New AM Station, Culver City, California	)	Facility ID # 161348
	)	

TO:           The Office of the Secretary  
ATTN:       Chief, Audio Division, Media Bureau

**OPPOSITION TO FURTHER INFORMAL OBJECTION**

Levine-Schwab Partnership, ("Levine-Schwab"), by its attorney, hereby respectfully opposes the "Further Informal Objection" ("Further Objection") filed in this matter by Ontario Broadcasting, LLC, ("Ontario"). As shall be demonstrated below, this Further Objection should be denied.

1.     On November 12, 2015, the Federal Communications Commission ("FCC" or "Commission") Son Nguyen Supervisory Engineer of the Audio Division issued a Deficiency Letter<sup>1</sup> to Levine-Schwab. Mr. Nguyen requested that Levine-Schwab address the following issues: (i) a nighttime skywave issue with KSJX (AM), San Jose, California; (ii) a Mexican interference issue<sup>2</sup> and (iii) a nighttime issue with KVNR (AM), Santa Ana, California.

2.     Levine-Schwab responded to the FCC Letter and amended the above-captioned Application on January 11, 2016<sup>3</sup>. Ontario responded to the Levine-Schwab

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<sup>1</sup> Letter Attached as Exhibit 1.

<sup>2</sup> The Mexican interference issue was addressed shortly after the release of the Deficiency Letter and is now moot. See e-mail from FCC Staff Exhibit 2

<sup>3</sup> See Public Notice No. 28651 (released 1/13/2016).

Amendment with this Further Objection. Ontario admits that Levine-Schwab addressed the issues raised by the Staff<sup>4</sup>, but then goes on to simply repeat old arguments previously made in its earlier pleadings.

3. Attached hereto as Exhibit 3 is an Engineering Exhibit prepared by Mark A. Mueller of Mueller Broadcast Design. In that Exhibit, Mr. Mueller confirms that the Commission's issues were fully addressed by the Amendment.

4. Levine-Schwab has addressed the FCC issues present by the Commission and the remaining issues raised by Ontario are nothing more than a rehash of previous pleadings.

5. For the reasons set forth above, the Commission must DISMISS the Further Informal Objection and APPROVE the Levine/Schwab instant Application, as amended.

Respectfully Submitted,

Levine-Schwab Partnership

A handwritten signature in black ink, appearing to read 'John C. Trent', is written over a horizontal line.

By: \_\_\_\_\_  
John C. Trent, Esq.  
It's Attorney

February 17, 2016

Law Office of  
Putbrese Hunsaker & Trent, P.C.  
200 South Church Street  
Woodstock, VA 22664  
(540) 459-7646

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<sup>4</sup> See Further Objection at page 2.

## Certificate of Service

I, Sharon L. Hinderer, Legal Assistant at the law firm of Putbrese Hunsaker & Trent, P.C., do hereby certify that a copy of the foregoing "Opposition to Further Informal Objection" was, this 17th day of February, 2016, sent via First Class Mail, postage pre-paid, to the following:

Peter H. Doyle, Chief  
Audio Division  
Media Bureau  
Federal Communications Commission  
445-12th St., S.W.  
Room 2A-320  
Washington, DC 20554

David Tillotson, Esq.  
4606 Charleston Terrace, NW  
Washington, DC 20007  
*Counsel for Ontario Broadcasting LLC*

  
\_\_\_\_\_  
Sharon L. Hinderer

## **EXHIBIT 1**

**FEDERAL COMMUNICATIONS COMMISSION**

**445 12th STREET SW  
WASHINGTON DC 20554**

MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/mb/audio](http://www.fcc.gov/mb/audio)

PROCESSING ENGINEER: Joe Szczesny  
TELEPHONE: (202) 418-2700  
FACSIMILE: (202) 418-1410  
MAIL STOP: 1800B2-JBS  
INTERNET ADDRESS: [Joseph.Szczesny@fcc.gov](mailto:Joseph.Szczesny@fcc.gov)

**NOV 12 2015**

William J. Schwab, Partner  
Levine/Schwab Partnership  
728 Olmstead Drive  
Glendale, CA 99120

Re: Levine/Schwab Partnership (LSP)  
NEW(AM), Culver City, California  
Facility Identification Number: 161348  
File Number: BNP-20140715ABO

Dear Mr. Schwab:

This letter refers to the above-captioned application filed by LSP for a new station at Culver City, California, and the August 13, 2014, Informal Objection filed by Ontario Broadcasting, LLC. We will not address the issues raised in the Informal Objection, and will request LSP to amend the application.

A preliminary review of the application reveals the following deficiencies:

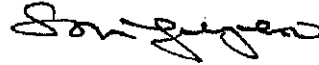
1. The nighttime skywave contribution enters the 25% RSS along the points of the nighttime interference free contour of station KSJX(AM), San Jose, California, in violation of Section 73.182 of the Commission's rules.
2. The proposed 0.025 mV/m contour overlaps the 0.5 mV/m contour of co-channel Mexican station XEEBC, Ensenada, BN, in violation of the U.S/Mexican Agreement. We note that LSP shows no prohibited overlap to XEEBC inside Mexico by using the KWKW(AM) measurement data. We will notify the proposal and the measurement data to Mexico for acceptance.<sup>1</sup>
3. The proposed nighttime 5 mV/m contour overlaps the licensed nighttime 5 mV/m groundwave contour of second-adjacent channel station KVNR(AM), Santa Ana, California, in violation of Section 73.37(a) of the Commission's rules.

Further action on the application will be withheld for a period of thirty (30) days from the date of

<sup>1</sup> The notification is a very lengthy process and could result in an objection which will require the applicant to amend this application.

this letter to file a curative amendment. Failure to amend or respond within this time period will result in the dismissal of the application pursuant to Section 73.3568 of the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Son Nguyen", written in a cursive style.

Son Nguyen  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: John C. Trent, Esq. (via e-mail)  
Mark A. Mueller (via e-mail)  
David Tillotson, Esq. (via e-mail)  
Ben Dawson (via e-mail)

## **EXHIBIT 2**

## John Trent

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**From:** Joseph Szczesny <Joseph.Szczesny@fcc.gov>  
**Sent:** Monday, November 16, 2015 10:47 AM  
**To:** John C Trent (fccman3@shentel.net)  
**Cc:** Mark Mueller (mark@muellerbroadcastdesign.com)  
**Subject:** NEW(AM), Culver City, CA (BNP-20140715ABO) - app accepted by Mexico  
**Attachments:** 20140715abo -Culver 30 day 11-12-15.pdf

John/Mark:

Okay to disregard and ignore item #2 mentioned in the letter, because the app was notified to Mexico back in August, and I just found out from our International Bureau staff that Mexico accepted the app already last month. I am not sure what is going on with the Mexican government right now, since usually in past years I would tell licensee's to expect at least a six month wait for Mexico to respond, but all I can say is to enjoy it while it lasts.

Sincerely,

Joe Szczesny, FCC

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**From:** Joseph Szczesny  
**Sent:** Friday, November 13, 2015 4:49 PM  
**To:** 'John Trent' <fccman3@shentel.net>  
**Cc:** Mark Mueller (mark@muellerbroadcastdesign.com) <mark@muellerbroadcastdesign.com>; 'David Tillotson' (dtlaw67@starpower.net) <dtlaw67@starpower.net>; 'dawson@hatdaw.com' <dawson@hatdaw.com>  
**Subject:** NEW(AM), Culver City, CA (BNP-20140715ABO)

Dear Mr. Trent:

Please inform your client that the attached 30 day letter has been mailed out to them, while you and Mr. Mueller are being sent a copy via e-mail only to save paper (along with Mr. Tillotson/Dawson).  
If your client feels they will need more than 30 days to amend due to the upcoming holidays, you will need to file a one page letter on their behalf in triplicate with the Secretary's office to the attention of Son Nguyen sometime next week.

Sincerely,

Joe Szczesny, FCC



## **EXHIBIT 3**

**Engineering Exhibit For  
Levine/Schwab Partnership  
NEW (AM)  
Culver City, California  
February 2016**

This engineering exhibit was prepared in support of an informal objection reply being filed by Levine/Schwab Partnership, applicant for a new standard broadcast station on 1500 KHz at Culver City, California (FCC Facility ID 161348, BNP-20140715ABO). Ontario Broadcasting LLC ("Ontario") has filed an informal objection dated August 19, 2014 and a further informal objection dated February 9, 2016 raising essentially the same points as in 2014.

The August 2014 informal objection complained of lack of adequate principal community coverage among other things, including contour overlap involving Mexican station XEEBC. Mexico accepted the application in October 2015 which made that point moot. A slight skywave interference to co-channel KSXJ's outlying nighttime RSS was also raised. Besides the XEEBC and KSXJ issues, the FCC's November 12, 2015 deficiency letter also noted a nighttime second-adjacent 5 mV/m groundwave overlap with KNVR, Santa Ana, California. The KSJX, KNVR and XEEBC issues raised in the FCC letter have been cleared and at this point we can assume that there are no further impediments to grant as the proposed daytime facility was not modified in any way in the January 2016 amendment and no daytime deficiencies were noted in the November 12 FCC letter.

Ontario Broadcasting LLC continues to insist that a received overlap from first-adjacent KSPE, Santa Barbara, California exists on the mainland when it clearly does not, as illustrated in the Levine/Schwab September 2014 amendment. As a practical matter, should the Commission go through with its proposed MB Docket No. 13-249 revision of Section 73.37(a) and change the protected class B and C groundwave service contour to 2 mV/m along with returning to a 1:1

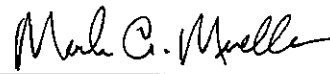
**Mueller Broadcast Design**

613 S. La Grange Road  
La Grange, Illinois 60525  
(708) 352-2166

first-adjacent protection ratio, even Ontario's original overlap claim will become moot as will its claim of impermissible overlap on Catalina Island as the KSPE 2 mV/m does not reach the island.

This engineering exhibit was prepared by me and is true and correct to the best of my knowledge and belief.

February 9, 2016



Mark A. Mueller